



JPW

Practitioner's Pocket No. 2960/116

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Berez et al.

Application No.: 10/724,010

Group No.: 3732

Filed: 11/25/2003

Examiner: Philogene, Pedro

For: Patient Selectable Joint Arthroplasty Devices and Surgical Tools Facilitating Increased Accuracy, Speed and Simplicity in Performing Total and Partial Joint Arthroplasty

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is a small entity. A statement was already filed.

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

[x] deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

[x] with sufficient postage as first class mail.

37 C.F.R. § 1.10*

☐ as "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory)

TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) _____ - _____

Signature

Date: May 6, 2005

Alexander J. Smolenski, Jr.

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY			
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE		
TOTAL	41	—	78	= 0 x \$	25.00	= \$	0.00
INDEP.	3	—	5	= 0 x \$	100.00	= \$	0.00
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+ \$	0.00	= \$	0.00
				TOTAL ADDIT. FEE		\$	0.00

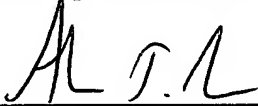
No additional fee for claims is required.

FEE DEFICIENCY

5. If an additional extension and/or fee is required, charge Account No. 19-4972.

If an additional fee for claims is required, charge Account No. 19-4972.

Date: May 6, 2005



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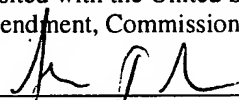


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Lang, P. Att'y Docket: 2960/116 (previously 6700-0005.21)
Appln. No.: 10/724,010 Filing Date: November 25, 2003
Customer No.: 02101 Conf. No.: 7525
Examiner: Philogene, P. Art Unit: 3732
Invention: Patient Selectable Joint Arthroplasty Devices and Surgical Tools
Facilitating Increased Accuracy, Speed and Simplicity in Performing
Total and Partial Joint Arthroplasty

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450 on May 6, 2005.


Alexander J. Smolenski

Mail Stop Amendment
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RESPONSE

Dear Sir:

Applicant respectfully submits this response and requests that the following amendments and remarks, in response to the Office Action mailed April 8, 2005, be considered.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 9 of this paper.